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H.C.P.No.1046 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.01.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.1046 of 2022

Mrs.Syed Ali Fathima

Vs.

.. Petitioner

1. The State of Tamil Nadu,
Rep. By the Secretary to Government,
Prohibition and Excise Department,
Chennai – 600 009
2. The District Collector and District Magistrate
of Cuddalore District,
Cuddalore.
3. The Superintendent of Police,
Cuddalore District.
4. The Inspector of Police,
Thirupapuliur Police Station,
Cuddalore District – 2

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying
to issue a WRIT OF HABEAS CORPUS to call for the records relating to



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the order passed by the 2nd respondent in C3/D.O/12/2022 dated 27.04.2022 and quash the same and produce the detenu Thiru.Aarif @ Syed Aarif S/o.Sahajahan aged 19 years and set him at liberty.

For Petitioner : Mr.A.Velmurugan
For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner is the mother of the detenu viz., Thiru.Aarif @ Syed Aarif S/o.Sahajahan. The detenu has been detained by the 2nd respondent by his order dated 27.04.2022 in C3/D.O/12/2022, holding him to be a "Goonda", as contemplated under Section 2 (f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the arrest intimation has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor appearing for the State submitted that the detenu was arrested on 29.03.2022 and the charge sheet was filed on time on 15.06.2022 and the same was taken on file in in Spl.S.C.No.37 of 2022 before the Special Court for SC & ST Cases, Cuddalore. The learned counsel further submitted that the matter is posted for framing of charges.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.28 and 29 of the booklet, it is clear that the arrest intimation has not been properly translated in vernacular language. Thus, the impugned detention order is



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liable to be set aside on this ground.

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In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O/12/2022, dated 27.04.2022, passed by the 2nd respondent is set aside. The detenu viz., Thiru.Aarif @ Syed Aarif S/o.Sahajahan, is directed to be released forthwith, unless his detention is required in connection with any other case.

[P.N.P., J.] [N.A.V., J.]
04.01.2023

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2. The District Collector and District Magistrate
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Cuddalore.
3. The Superintendent of Police,
Cuddalore District.
4. The Superintendent of Police,
Central Jail, Cuddalore District – 4
5. The Inspector of Police,
Thiruppapuliyur Police Station,
Cuddalore District – 2
6. The Special Court for SC & ST Cases, Cuddalore
7. The Public Prosecutor
High Court, Madras



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P.N.PRAKASH, J.
AND
N.ANAND VENKATESH.,J.

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H.C.P.No.1040 of 2022

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